

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

August 23, 2024

LAURA A. AUSTIN, CLERK

BY:

s/A. Beeson
DEPUTY CLERK

ELWOOD SHELTON,
Petitioner,

)

Civil Action No. 7:24cv00329

)

)

v.

)

)

CHADWICK DOTSON,
Respondent.

)

By: Elizabeth K. Dillon

)

Chief United States District Judge

MEMORANDUM OPINION

Elwood Shelton, a Virginia inmate proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. No. 1.) On May 23, 2024, the court issued an order conditionally filing this action and directing petitioner to complete various tasks before this matter can proceed, including paying the filing fee, addressing the apparent failure to exhaust remedies in state court prior to filing this action, and providing argument or evidence, including any dates pertaining to the underlying conviction, to establish that his petition is timely. (Dkt. No. 7.) Petitioner was given thirty days to complete these tasks, and he failed to address any of the noted deficiencies within the time allotted.

The court's order warned petitioner that if he failed address the filing fee by either paying the fee, returning the attached consent to fee form, or submitting a completed application to proceed *in forma pauperis* within thirty days, this action would be dismissed without prejudice. (Dkt. No. 7 at 2.) Further, the court's order alerted petitioner that if he failed to address the exhaustion issue or the timeliness issue, this could also result in the dismissal of the petition.

Petitioner filed a consent to fee form, but he did not file it within the time allotted by the court. Further, plaintiff has failed to address the exhaustion issue or the timeliness issue.

Because petitioner has not complied with the court's order, the court will issue an appropriate order dismissing this action.

Entered: August 23, 2024.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon

Chief United States District Judge